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UNITED BEHAVIORAL HEALTH  
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9 **UNITED STATES DISTRICT COURT**  
10 **NORTHERN DISTRICT OF CALIFORNIA**  
11 **SAN FRANCISCO DIVISION**

12 BARBARA BEACH, on her own behalf  
13 and on behalf of her minor daughter and all  
others similarly situated, et al.,

14 Plaintiffs,

15 v.

16 UNITED BEHAVIORAL HEALTH,

17 Defendant.  
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Case No. 3:21-cv-08612-RS

**STIPULATION AND ORDER  
REGARDING STAY OF  
PROCEEDINGS**

Judge: Hon. Richard Seeborg

1 Pursuant to Civil Local Rule 7-12, the parties in the above-captioned action, by and  
2 through their respective counsel of record, hereby stipulate as follows:

3 WHEREAS, the Court has previously stated that “factual issues and discovery will  
4 overlap” with another currently-pending suit against Defendant United Behavioral Health  
5 (“UBH”), *Wit, et al. v. United Behavioral Health*, 14-cv-02346-JCS, consolidated with  
6 *Alexander, et al. v. United Behavioral Health*, 14-cv-05337-JCS (together, “*Wit*”), see ECF No.  
7 46 at 2;

8 WHEREAS, the Court has previously stated that the “potential import of the *Wit* decision  
9 on the viability of at least a large part of this case is too great to ignore,” ECF No. 46 at 2;

10 WHEREAS, this Court previously ordered a stay of the proceedings in this action pending  
11 resolution of UBH’s appeal to the Ninth Circuit from the district court’s final judgment in *Wit*,  
12 see ECF No. 46;

13 WHEREAS, on August 22, 2023, the Ninth Circuit issued a decision in *Wit* reversing in  
14 part and affirming in part the district court’s class certification order, reversing in part and  
15 affirming in part the district court’s final judgment, and remanding for further proceedings, see  
16 *Wit v. United Behav. Health*, 79 F.4th 1068 (9th Cir. 2023);

17 WHEREAS, following the Ninth Circuit’s decision in *Wit*, the previously-ordered stay in  
18 this case was lifted, see ECF No. 54;

19 WHEREAS, on November 2, 2023, UBH filed a motion to dismiss Plaintiff’s Complaint  
20 in light of the Ninth Circuit’s decision in *Wit*, see ECF No. 58;

21 WHEREAS, on December 5, 2023, Plaintiff filed an Amended Complaint, see ECF No.  
22 59 (“Amended Complaint”);

23 WHEREAS, on January 11, 2024, UBH filed a motion to dismiss the Amended  
24 Complaint, see ECF No. 60 (“Motion to Dismiss”);

25 WHEREAS, the Motion to Dismiss has been fully briefed;

26 WHEREAS, in briefing related to the Motion to Dismiss, the parties disagree over the  
27 proper interpretation of the Ninth Circuit’s decision in *Wit* and how the decision should be  
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1 applied to the issues raised in the Motion to Dismiss;

2 WHEREAS, a hearing on the Motion to Dismiss is currently scheduled for April 11, 2024;

3 WHEREAS, on January 12, 2024, following certain post-remand decisions by the district  
4 court in *Wit*, UBH filed a petition for a writ of mandamus with the Ninth Circuit that requests a  
5 review of whether the district court's post-remand decisions violated the Ninth Circuit's mandate,  
6 *see United Behav. Health v. U.S. Dist. Ct. for N. Dist. of Cal.*, Ninth Cir. No. 24-242, Dkt. No. 1;

7 WHEREAS, on March 12, 2024, the Ninth Circuit granted UBH's request to have its  
8 mandamus petition assigned to the same panel that heard and decided the appeal in *Wit*, *see*  
9 *United Behav. Health v. U.S. Dist. Ct. for N. Dist. of Cal.*, Ninth Cir. No. 24-242, Dkt. No. 10.1;

10 WHEREAS, on March 12, 2024, the Ninth Circuit also granted UBH's motion to stay all  
11 proceedings before the district court in *Wit* pending resolution of UBH's mandamus petition, *see*  
12 *United Behav. Health v. U.S. Dist. Ct. for N. Dist. of Cal.*, Ninth Cir. No. 24-242, Dkt. No. 11.1;

13 WHEREAS, the parties agree that, in response to UBH's mandamus petition in *Wit*, the  
14 Ninth Circuit may provide additional guidance or clarification regarding its August 22, 2023  
15 decision, and that such guidance or clarification is likely to be relevant to the issues in this action,  
16 including the currently-pending Motion to Dismiss;

17 WHEREAS, the parties agree that, as an exercise of the Court's discretion to manage case  
18 schedules for the purposes of judicial economy and efficiency, a stay of all proceedings pending  
19 resolution of UBH's mandamus petition in *Wit* is warranted.

20 In light of the foregoing, **THE PARTIES THEREFORE STIPULATE AND AGREE**  
21 that, subject to the approval of the Court:

- 22 1. This action is stayed pending a decision by the Ninth Circuit regarding UBH's  
23 mandamus petition in *Wit*;
- 24 2. All briefing deadlines and hearing dates in this matter are vacated; and
- 25 3. No later than 14 days after the issuance of a decision from the Ninth Circuit regarding  
26 UBH's mandamus petition, the parties shall file a Joint Status Report outlining their  
27 respective positions regarding how this litigation should proceed.

1 Dated: March 18, 2024

**CROWELL & MORING LLP**

2 /s/ Jennifer S. Romano

3 Jennifer S. Romano

4 Andrew Holmer

Jazmine Buckley

5 *Counsel for Defendant*  
6 *United Behavioral Health*

7 Dated: March 18, 2024

**ZUCKERMAN SPAEDER LLP**

8 /s/ Caroline E. Reynolds

9 Caroline E. Reynolds (*pro hac vice*)

10 D. Brian Hufford (*pro hac vice*)

11 Jason S. Cowart (*pro hac vice*)

M Moore (*pro hac vice*)

12 **PSYCH-APPEAL, INC.**

13 Meiram Bendat (Cal. Bar No. 198884)

14 *Counsel for Plaintiffs*

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17 **FILER'S ATTESTATION**

18 Pursuant to Civil Local Rule 5-1(i)(3) regarding signatures, I attest that concurrence in the  
19 filing of this document has been obtained from the other signatories.

20  
21 Dated: March 18, 2024

/s/ Jennifer S. Romano

22 Jennifer S. Romano

**ORDER**

**PURSUANT TO STIPULATION, IT IS SO ORDERED:**

1. This action is stayed pending a decision by the Ninth Circuit regarding UBH's mandamus petition in *Wit*;
2. All briefing deadlines and hearing dates in this matter are vacated; and
3. No later than 14 days after the issuance of a decision from the Ninth Circuit regarding UBH's mandamus petition, the parties shall file a Joint Status Report outlining their respective positions regarding how this litigation should proceed.

Dated: March 19, 2024



Hon. Richard Seeborg  
United States District Judge